

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RONALD WHEELER, :  
Plaintiff :  
v. : Case No. 3:15-cv-172-KRG-KAP  
JOHN WETZEL, et al., :  
Defendants :

Memorandum Order

Plaintiff's Motion for Relief from Judgment, ECF no. 130, incorporating the objections filed at ECF no. 127, was referred to Magistrate Judge Keith A. Pesto in accordance with the Magistrates Act, 28 U.S.C. § 636, and Local Civil Rule 72.

The Magistrate Judge filed a Report and Recommendation on October 8, 2018, ECF no. 129, recommending that the motion be denied.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1) they had fourteen days to file written objections to the Report and Recommendation. Plaintiff filed timely objections at ECF no. 131 that urge the court to consider the objections at ECF no. 127 as timely but otherwise add nothing substantive.

Accepting the objections at ECF no. 127 as timely, and reviewing them on the merits, they are meritless.

After *de novo* review of the record of this matter, the Report and Recommendation at ECF no. 122 as supplemented by the Report and Recommendation at ECF no. 129, and the objections filed

at ECF no. 127 and ECF no. 131, the following order is entered:

AND NOW, this 6<sup>th</sup> day of August, 2019, it is

ORDERED that the judgment at ECF no. 126 is vacated and reinstated. The plaintiff's motion for summary judgment, ECF no. 101, is denied and the defendants' motion for summary judgment, ECF no. 103, is granted. The Report and Recommendation at ECF no. 122 as supplemented by the Report and Recommendation at ECF no. 129, is adopted as the opinion of the Court. The Clerk shall again mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style with a horizontal line underneath it.

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

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S.C.I. Somerset  
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